

STATE OF SOUTH DAKOTA
: SS
COUNTY OF MINNEHAHA

IN CIRCUIT COURT
SECOND JUDICIAL CIRCUIT
MAGISTRATE DIVISION

STATE OF SOUTH DAKOTA,
Plaintiff
vs.

PD19-015825

COMPLAINT

JAMES OLIVER HANNA
ROBERT ALLEN FITZLER
RONALD LEE WEBB

Defendant(s).

CR 119-0109

- COUNT 1: KIDNAPPING 1ST DEGREE-TERRORIZING VICTIM as to JOH, RLW, RAF
COUNT 2: AGGRAVATED ASSAULT - DANGEROUS WEAPON - CLASS 3 FEL as to
JOH, RLW, RAF
COUNT 3: AGGRAVATED ASSAULT - SERIOUS BODILY INJURY - CLASS 3 FEL as to
JOH, RLW, RAF

The undersigned being first duly sworn on oath complains and charges:

COUNT 1

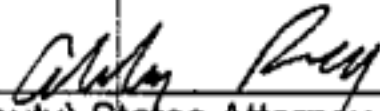
That the Defendant, JAMES OLIVER HANNA, RONALD LEE WEBB, ROBERT ALLEN FITZLER, in Minnehaha County, State of South Dakota, on or between the 10th day of August, 2019 and the 12th day of August, 2019, did unlawfully remove another person, namely, [REDACTED] a substantial distance from the vicinity where such person was at the commencement of the removal, or did unlawfully confine that person for a substantial period of time, for the purpose of inflicting bodily injury on or to terrorize the victim, or another, thereby committing the offense of Kidnapping in the 1st Degree in violation of SDCL 22-19-1(3), contrary to the form of the statute in such case made and provided and against the peace and dignity of the State of South Dakota, and prays that the Defendant may be arrested and dealt with according to the law.

COUNT 2

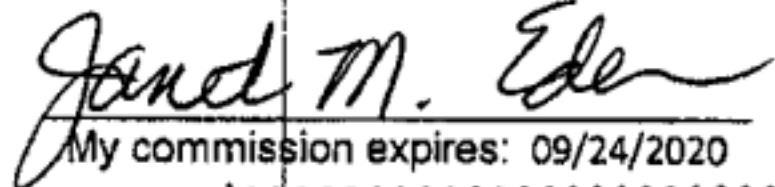
That the Defendant, JAMES OLIVER HANNA, RONALD LEE WEBB, ROBERT ALLEN FITZLER, in Minnehaha County, State of South Dakota, on or between the 10th day of August, 2019 and the 12th day of August, 2019, did commit the public offense of Aggravated Assault (SDCL 22-18-1.1(2)) in that the Defendant did knowingly cause or attempt to cause bodily injury to another, [REDACTED] with a dangerous weapon, A TORCH, contrary to the form of the statute in such case made and provided and against the peace and dignity of the State of South Dakota, and prays that the Defendant may be arrested and dealt with according to the law.

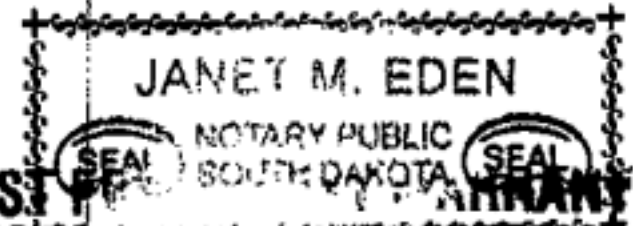
COUNT 3

That the Defendant, JAMES OLIVER HANNA, RONALD LEE WEBB, ROBERT ALLEN FITZLER, in Minnehaha County, State of South Dakota, on or between the 10th day of August, 2019 and the 12th day of August, 2019, did commit the public offense of Aggravated Assault (SDCL 22-18-1.1(4)) in that the Defendant did assault another, [REDACTED] with intent to commit bodily injury, which resulted in serious bodily injury, contrary to the form of the statute in such case made and provided and against the peace and dignity of the State of South Dakota, and prays that the Defendant may be arrested and dealt with according to the law.

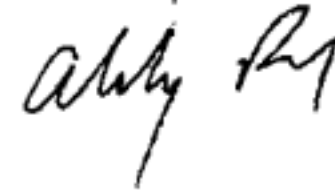

(Deputy) States Attorney
Minnehaha County, South Dakota

Subscribed and sworn to before me this 14th day of August, 2019


My commission expires: 09/24/2020



REQUEST FOR ARREST
THE UNDERSIGNED ATTORNEY
HEREBY REQUESTS AN ARREST
WARRANT BE ISSUED BASED ON
ABOVE COMPLAINT



Date of Arr:
Schedule Code: ()
DOB:

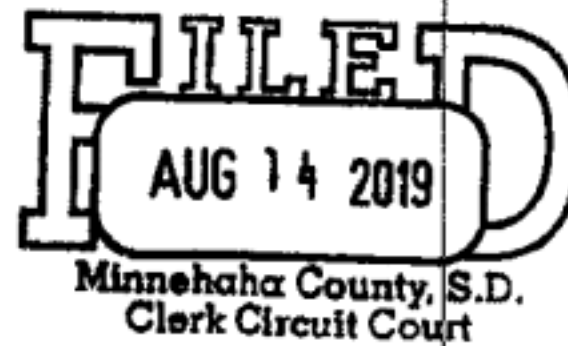
 (JOH)
(RAF)
(RLW)

Address:

 <no zip> (JOH)
(RAF)
(RLW)

Officer(s):

MCCLURE, C. (JOH)
MCCLURE, C. (RAF)
MCCLURE, C. (RLW)



STATE OF SOUTH DAKOTA)
:SS
COUNTY OF MINNEHAHA)

IN CIRCUIT COURT
SECOND JUDICIAL CIRCUIT

STATE OF SOUTH DAKOTA

vs.

AFFIDAVIT IN SUPPORT
OF ARREST WARRANT

HANNA, JAMES OLIVER
DOB: [REDACTED]

And

FITZLER, ROBERT ALLEN
DOB: [REDACTED]

CR 119-6109

And

WEBB, RONALD LEE
DOB: [REDACTED]

Defendants.

Cullen McClure, being first duly sworn on oath, deposes and states that he is a Detective of the Sioux Falls Police Department and states that he is one of the officers in charge of the investigation of the above-styled matter. That your Affiant makes this Affidavit in support of the State's Attorney's request for a warrant for the arrest of the above-named Defendant(s), and in compliance with SDCL 23A-2-2, and states as follows:

1. On August 12th, 2019 at approximately 1500 hours Officers with the Sioux Falls Police Dept. were dispatched to [REDACTED] W. Sioux St. Sioux Falls, SD for a reported kidnapping and assault. As a result a case was generated under Sioux Falls Police case number PD19-15825.
2. Sioux Falls Police Officer Kenyon arrived and met with the victim identified as [REDACTED]. [REDACTED] was bleeding from under his left eye and receiving aid from a USPS mail carrier. Officer Kenyon observed that [REDACTED] had bruising on the left side of his head and the whites of his eyes were completely red. [REDACTED] was transported to Sanford ER for treatment
3. [REDACTED] reported that he had gone to defendant Hanna's residence, which is located at [REDACTED] Sioux St. Sioux Falls, SD 57104. The victim stated that he

1

had repaired a door on defendant Hanna's residence. The victim initially gone to defendant Hanna's residence on Friday Aug. 9th, 2019 to collect payment for the work done. Defendant Hanna told the victim that he did not have the money. Defendant Hanna instructed the victim to return the next day (Sat. Aug. 10th).

4. The victim reported that he returned to defendant Hanna's residence on Aug. 10th. The victim stated that there were other subjects present in the house when he arrived. The victim identified them as "Jim", "Pitbull", "Beef" and "Mike".
5. The victim reported that these subjects accused him of a drug deal "gone wrong". They began demanding \$275 from the victim.
6. The victim reported that these subjects then grabbed him and the victim was struck several times in the face. The victim stated that he lost vision and was having trouble hearing after being hit in the face.
7. The victim reported that "Pitbull" then used a knife and cut the victim's shirt and belt and then made the victim remove all of his clothing. The victim reported that "Pitbull" also used a blue torch to burn the victim's face and hair. These subjects then forced the victim into the basement. The victim reported that the basement door was secured shut with an extension cord.
8. The victim reported that "Pitbull" told him that they were going to take the victim out of state and kill him. The victim was then forced to provide the phone number for his wife. The victim overheard defendant Hanna call the victim's wife and pretend to be a doctor. The victim stated that Hanna attempted to arrange a meeting with the victim's wife during this call.
9. Officers confirmed with the victim's wife that she received a call from [REDACTED] that she states was from a doctor. A voicemail was also left from [REDACTED] stating "Drink drink drink live hello. This is you man again please give me a call at [REDACTED] The family matter I think You'll like what I have to say [REDACTED] a changed man after today all right [REDACTED] have [REDACTED] back the it was when you first met him all right thank you much bye-bye.
10. Your Affiant has confirmed that [REDACTED] is the phone number for defendant Hanna.
11. The victim stated that he was denied food and given only one glass of water while locked in the basement. The victim also reported that there was a bucket in the basement that he had to use to urinate in.
12. The victim reported that on the morning of Aug. 12th, defendant Hanna let him out of the basement. The victim was told to shower and clean up. The victim stated that Hanna later left the residence. According to the victim, defendant Hanna left three different subjects at the residence that were in charge of "watching" him.

After defendant Hanna left the residence, the other subjects "set him free" and the victim ran from the residence.

13. While at the Sanford ER, the victim was found to have severe bruising and facial fractures as a result of the assault. Officer MacFarlan noticed that the victim appeared to have minor burning on the left side of his face.
14. On Aug. 12th, 2019 Officers went to defendant Hanna's residence. Defendant Hanna initially reported that he did not know the victim and the victim had not been inside of the residence. Defendant Hanna granted consent for Officers to search the residence. Officers located a cut t-shirt with suspected blood near the couch, as described by the victim. Defendant Hanna told Officers that the shirt was his and had been caught on a door. The shirt had clearly been cut with a sharp instrument. Defendant Hanna also did not have any wounds on his body that would account for the blood on the shirt. Officers also found containers in the basement that appeared to contain urine. Defendant Hanna continued to deny that anything had happened at his residence.
15. On Aug. 12th, 2019 Your Affiant accompanied defendant Hanna to this residence. Your Affiant located several torches, including a blue one as described by the victim. Your Affiant also observed an extension cord that was tied to an air compressor in the kitchen. Defendant Hanna explained that the other end had been tied to the basement door handle. Defendant Hanna advised that this was the cord used to secure the basement door.
16. Your Affiant interviewed defendant Hanna at the Law Enforcement Center on Aug. 12th and Aug. 13th. During the interviews Hanna eventually admitted that the victim had been inside of his residence. Defendant Hanna stated that the victim was at his residence and "Pitbull", "Beats", "Bartender", and "Mike Smith" burst through the door. Defendant Hanna identified "Pitbull" as defendant Robert Fitzler. The Defendant identified "Bartender" as defendant Webb. Defendant Hanna was unable to provide a positive identity for "Beats" or "Mike Smith" at that time.
17. Defendant Hanna stated that the victim was being accused of owing the others money. Defendant Hanna stated that defendant Fitzler, defendant Webb, "Beats" and "Mike Smith" began to physically assault the victim. Defendant Hanna stated that he knew things were getting out of control, so he left.
18. Defendant Hanna stated that he went to the Kum N Go which is located a few blocks from the residence. Defendant Hanna stated that he returned to the residence a short time later and the victim was in the basement. Defendant Hanna stated that he was instructed to keep the victim in the basement.

19. Defendant Hanna stated several times during the interviews "They were going to [REDACTED] kill him". When asked, Defendant Hanna stated that heard conversation between defendant Fitzler, Defendant Webb and "Mike Smith". During the conversation, they stated that the victim needed to be killed. Defendant Hanna also stated that "Mike Smith", Defendants Fitzler and Webb believed that the victim is "a snitch" and confidential informant.
20. Defendant Hanna stated that he was informed that the plan was to "cut him up and throw him in the river". Defendant Hanna stated that he found a blue tarp and chainsaw in his residence. These items had been moved from their normal place in the basement and were now upstairs. Defendant Hanna stated that he believes the tarp and chainsaw were going to be used to kill the victim.
21. Your Affiant recovered a Stihl chainsaw and blue tarp that had been placed inside of a trash bag. These items were recovered from the kitchen of defendant Hanna's residence.
22. Your Affiant was able to view text messages on defendant Hanna's cell phone. The following messages were sent to a contact labeled "Beats Beats".
- Aug. 11th 0514 hours from Hanna: *"Getting really sleepy out of smokes no roller hopefully this goes thru I got to pay my fine or things go from bad to worse and [REDACTED] find out bad in treatment I lose everything."*
 - Aug. 11th 0727 hours from Hanna: *"knock knock really need smokes brother I got people coming down from Pipestone at noon with two scooters and sure don't want them to see the perplex me finning for a smoke hopefully parts that was supposed come in actually gonna come in sooner other wise it gonna get crazy around her now that its daylight and all so I'm wondering on ETA by chance to help with unloading parts and package."*
 - Aug. 11th 0733 hours from "Beats Beats": *"Not Long"*
 - Aug. 11th 0739 hours from Hanna "Beats Beats": *"Hell I can't eve rite fishing gear down-stairs try to keep him rmm the brighter it gets the more fg5"*
 - Aug. 11th 1221 hours from Hanna: *"Bro what the [REDACTED] goinf on I got the paint been waiting you both said you would get the clear coat to finish this up and you haven't stop by please".*
 - Aug. 11th 1236 hours from Hanna: *" Dam it stop by I caint paint orlean er my housec".*
 - Aug. 11th 1334 hours from Hanna: *"Alive now"*
 - Aug. 11th 2144 hours from Hanna: *"who lives in Luverne min? That's were the body supposed to go he died sometime during noon to now you and pit ow"*

for baby sitting a dead body now and she left here crying so I need my 550 and 200 or the zip and 200 for motel room 3000 disposal fee keys to the truck to have that gone and a care clean nor hot to move a dead body".

- Aug. 12th 0149 hours from Hanna: "And you left a slab in my basement that corpse goina ccx start stinking quick so you and pit did this for 275 what should be done for all this...."

- Aug. 12th 1219 hours from "Beats Beats": "██████ is he really alive?? So what to we do??"

23. Your Affiant viewed messages sent to defendant Fitzler from defendant Hanna.

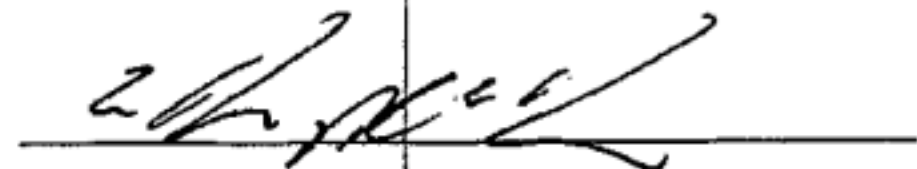
- Aug 11th 0937 hours to Fitzler: "Let me know about the garbage that supposed to go out don't know just how long I can keep it around before like cabbage it spoils hit me up I got tooth picks in my eye lids and going forks very very soon".

- Aug 11th 1633 hours from defendant Fitzler: "hey man I'm not in town and I don't have beats number and beats need to rid of that stray dog".

- Aug 12th 1617 hours: from Hanna to Fitzler: "Well well funny your not in town and 4:30 you beat probally not cry cause your corpse is here you cant blame beats you was last here your responsibility to clean this mess up...."

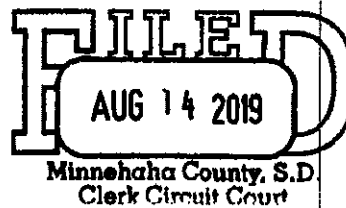
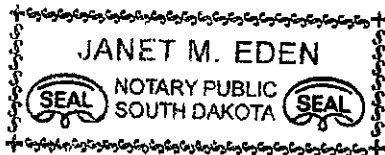
23. Your Affiant has not interviewed defendant Webb or defendant Fitzler. Your Affiant has been unable to positively identify "Beats" or "Mike Smith".

24. The above described events occurred within the City of Sioux Falls, County of Minnehaha, and State of South Dakota.


Cullen E. McClure

Subscribed and sworn before me this 14th day of Aug, 2019.

Janet M. Eden
Notary Public
mcE 9-24-2020



STATE OF SOUTH DAKOTA
COUNTY OF MINNEHAHA : SS

RECEIVED
AUG 14 2019

IN CIRCUIT COURT
SECOND JUDICIAL CIRCUIT
MAGISTRATE DIVISION

STATE OF SOUTH DAKOTA,
Plaintiff
vs.
ROBERT ALLEN FITZLER
Defendant(s).

PD19-015825

WARRANT OF ARREST

CR 19-6109

THE STATE OF SOUTH DAKOTA TO ANY SHERIFF OR PEACE OFFICER OF THIS STATE:

A Complaint upon oath having been laid before me charging ROBERT ALLEN FITZLER with the crimes of:

- COUNT 1: KIDNAPPING 1ST DEGREE-TERRORIZING VICTIM
- COUNT 2: AGGRAVATED ASSAULT - DANGEROUS WEAPON - CLASS 3 FEL
- COUNT 3: AGGRAVATED ASSAULT - SERIOUS BODILY INJURY - CLASS 3 FEL

YOU ARE COMMANDED FORTHWITH to arrest the above named ROBERT ALLEN FITZLER and bring this person before the Circuit Court/Magistrate Court of Minnehaha County to answer said Complaint or if the Court has adjourned that you deliver this person into the custody of the Sheriff of Minnehaha County, South Dakota, to be held on NO bond.

Dated this 14 day of August, 2019

BY THE COURT:


Judge

Defendant's Name: ROBERT ALLEN FITZLER
Defendant's DOB: [REDACTED]
Defendant's Address: [REDACTED]

RETURN

I hereby certify that a copy of the above Warrant of Arrest was received by me on the

_____ day of _____, 20____,

I executed the same on the

_____ day of _____, 20____, by delivering a copy to

S E R V E D
AUG 16 2019

FILED
AUG 19 2019
Minnehaha County, S.D.
Clerk Circuit Court

Law Enforcement Officer

STATE OF SOUTH DAKOTA)
:SS
COUNTY OF MINNEHAHA)

IN MAGISTRATE COURT
SECOND JUDICIAL CIRCUIT

STATE OF SOUTH DAKOTA,
Plaintiff,
vs.

CR. 19-6109

SCHEDULING ORDER

Date: 8-19-19

Robert Fitzler,
☒ In Custody Defendant.
☐ Out of Custody

☐ 598 JUDGE C. JOHNSON
☐ 5A3 JUDGE E. JOHNSON
☐ 5A4 JUDGE S. POKELA
☐ 5A5 JUDGE P. SCHROEDER

Attorney: PDO

TYPE OF HEARING	TYPE OF HEARING
<input checked="" type="checkbox"/> 15 Day Preliminary Hearing	<input type="checkbox"/> Fail to Pay Restitution
<input type="checkbox"/> 45 Day Preliminary Hearing	<input type="checkbox"/> Fail to Report to Jail
<input type="checkbox"/> Court Trial	<input type="checkbox"/> Plea
<input type="checkbox"/> Fail to Pay Attorney Fee/Fine	<input type="checkbox"/> Sentencing
<input type="checkbox"/> Order to Show Cause	<input type="checkbox"/> Other Motion Hearing:

BOND AMOUNT

Case # _____ ☐ PR] [\$ 10,000 Cash] [\$ _____ C/S]
Case # _____ ☐ PR] [\$ _____ Cash] [\$ _____ C/S]
Case # _____ ☐ PR] [\$ _____ Cash] [\$ _____ C/S]
Case # _____ ☐ PR] [\$ _____ Cash] [\$ _____ C/S]
Case # _____ ☐ PR] [\$ _____ Cash] [\$ _____ C/S]

↓ NEXT SCHEDULED COURT DATE ↓

Date: 9/3/19, Time: 3 ☐ a.m. ☒ p.m.

Courtroom: ☒ 1A ☐ 3A ☐ 3B ☐ 3C

You are ordered to appear as show above. If you plan on being represented by an attorney, you must have your attorney present with you at the scheduled hearing. Should there be any change in the above date, the court will notify you or your attorney. It is your responsibility to be sure your attorney can reach you on short notice. If your attorney cannot reach you, or if you fail to appear at the scheduled hearing, a warrant may be issued for your arrest, and if on bond, your posted security forfeited. You may also be charged with the additional crime of FAILURE TO APPEAR – Maximum sentence one (1) year.

Conditions:

☒ No contact with victim/ victim's family/ witnesses ☒ No weapons ☐ No alcohol ☒ Good Behavior ☐ No contact with persons under eighteen years of age ☐ No driving ☐ No drugs ☒ Stay in contact with your lawyer ☐ 24/7
☒ Make all Court Appearances ☐ Other:

FOR THE COURT: AE Deputy Clerk



STATE OF SOUTH DAKOTA
COUNTY OF MINNEHAHA

IN CIRCUIT COURT
SECOND JUDICIAL CIRCUIT

STATE OF SOUTH DAKOTA,
Plaintiff

Robert Allen Fitzer
Defendant.

CR 19-6109

BOND FINDINGS AND
CONDITIONS OF RELEASE

For reasons contained in SDCL 23A-43 and specifically for the below reasons, the Court finds:

Character	Compliance	Probation	Offenses	Danger
<input type="checkbox"/> Employed	<input type="checkbox"/> Past Failures to Appear	The present charges come while Defendant is	<input type="checkbox"/> Multiple offenses	<input checked="" type="checkbox"/> Victim(s)/Witnesses
<input type="checkbox"/> Unemployed	<input checked="" type="checkbox"/> Poor Record	<input type="checkbox"/> on Parole	<input checked="" type="checkbox"/> Prior Offenses	<input type="checkbox"/> Minor(s)
<input type="checkbox"/> Poor Community Ties	<input type="checkbox"/> Failures to Comply with Court Orders	<input type="checkbox"/> on Probation	<input checked="" type="checkbox"/> Violent in Nature	<input checked="" type="checkbox"/> Community
<input type="checkbox"/> Good Community Ties	<input type="checkbox"/> Prior Probation	<input checked="" type="checkbox"/> out on Bail	<input checked="" type="checkbox"/> For Same Charge	<input type="checkbox"/> Family Members
<input type="checkbox"/> Character & Mental	<input type="checkbox"/> Prior Missed Deadlines	<input checked="" type="checkbox"/> on Prior Conditions	<input checked="" type="checkbox"/> Recent in Time	<input checked="" type="checkbox"/> Flight Risk
<input type="checkbox"/> Medical concerns	<input type="checkbox"/> Maintains contact with Counsel	<input type="checkbox"/> Prior probation violations	<input type="checkbox"/> Prior DUI Within 10 Years of Current Offense	<input checked="" type="checkbox"/> Any Other Person/Self

☐ The following factual considerations are also noted:

AV w/ broken facial bones & torch burn, held in lockment x 2 days;
LT plan to kill AV; Pending PCS, S.A.D (2018) w/ Viol cond (2019)
JA = 2018 cond for firearm by felon

State Requests: _____

Defense Requests: _____

Based on the foregoing, the nature and circumstances of the offense charged, the weight of the evidence against Defendant, Defendant's family ties, employment, financial resources, character and mental condition, the length of residence in the community, record of convictions, record of appearance at court proceedings or of flight to avoid prosecution or failure to appear at court proceedings;

IT IS ORDERED that: ☐ Defendant is to be held in custody. ☒ Defendant is to be released on bond:

☐ PR BOND ☒ \$100,000 CASH ONLY ☐ \$ _____ CASH/SURETY ☐ REINSTATE BOND

Conditions of bond include: ☒ Good Behavior, Stay in contact with your lawyer, Make all court appearances

☒ No Contact with [REDACTED] Victim/Victim's Family/Witnesses/Co-Defendants

☒ No weapons ☐ No alcohol ☐ No contact with persons under eighteen years of age ☐ Comply with probation/parole

☐ No driving without a valid license and insurance ☐ No drugs without a valid prescription

☐ Comply with Pre-Trial Services _____

☐ Other _____

☐ 24/7 Project, Check all that are authorized (Must sign 24/7 Project agreement & comply with all terms and conditions):

☐ SCRAM bracelet (if available)

☐ PBTs twice daily

☐ Remote Breath

☐ Drug Patch

☐ UA 3x per week (Mon., Thurs. & Sat.)

☐ UA 2x per week (Tues. & Fri.)

☐ UA 1x per week (Wed.)

If Defendant violates any of the above conditions, a warrant of arrest will be immediately issued.

Date: August 19, 2019

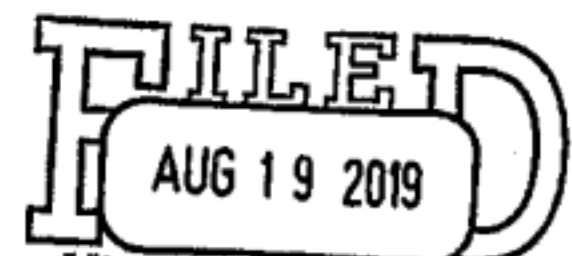
ATTEST: ANGELLA M. GRIES, Clerk

By: [Signature]

CONSENT BY DEFENDANT

I understand that it is a condition of bond that I comply with all the above 24/7 project terms and conditions and that if I do not comply, I consent to being immediately taken into custody by any law enforcement officer.

Defendant: _____



STATE OF SOUTH DAKOTA)
:SS
COUNTY OF MINNEHAHA)

IN MAGISTRATE COURT

SECOND JUDICIAL CIRCUIT

STATE OF SOUTH DAKOTA,
Plaintiff,
vs.

CR. 19-6109

SCHEDULING ORDER

Date: 8-19-19

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☒ In Custody Defendant.
☐ Out of Custody

- ☐ 598 JUDGE C. JOHNSON
☐ 5A3 JUDGE E. JOHNSON
☐ 5A4 JUDGE S. POKELA
☐ 5A5 JUDGE P. SCHROEDER

Attorney: PDO

TYPE OF HEARING		TYPE OF HEARING	
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<input type="checkbox"/>	45 Day Preliminary Hearing	<input type="checkbox"/>	Fail to Report to Jail
<input type="checkbox"/>	Court Trial	<input type="checkbox"/>	Plea
<input type="checkbox"/>	Fail to Pay Attorney Fee/Fine	<input type="checkbox"/>	Sentencing
<input type="checkbox"/>	Order to Show Cause	<input type="checkbox"/>	Other Motion Hearing:

BOND AMOUNT

Case # _____ ☐ PR] [\$ 100,000 Cash] [\$ _____ C/S]
Case # _____ ☐ PR] [\$ _____ Cash] [\$ _____ C/S]
Case # _____ ☐ PR] [\$ _____ Cash] [\$ _____ C/S]
Case # _____ ☐ PR] [\$ _____ Cash] [\$ _____ C/S]
Case # _____ ☐ PR] [\$ _____ Cash] [\$ _____ C/S]

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Courtroom: ☒ 1A ☐ 3A ☐ 3B ☐ 3C

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☒ Make all Court Appearances ☐ Other:

FOR THE COURT: AE Deputy Clerk

